IN THE HIGH COURT OF JUDICATUE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.No. 1073/2007 in S.A.No.53 of 2007

Kanhu s/o Bawji Jangi ..vs.. Badalshaha s/o Madi Jangi

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Courts or Judge's Orders.

Shri M. P. Khajanchi, advocate for the applicant.
Shri N. D. Khamborkar, Advocate for non-applicant.

CORAM : Smt. Vasanti A. Naik, J.
Dated : 12/09/2007

Heard learned counsel for the parties.

This Court had by an order dated 27/02/2007 admitted the second appeal on a substantial question of law and had also granted stay to the effect and operation of the impugned judgment and decree dated 29.11.2006.

It is not in dispute that the appellant is in possession of the suit property and the First Appellate Court has directed appellant to hand over the suit property to the respondent.

Since, the second appeal is admitted on a substantial question of law, it is necessary to protect the possession of the appellant during the pendency of this Second Appeal. The stay

granted by this Court on 27/02/2007 is, therefore, confirmed. The effect and operation of the judgment and decree dated 29/11/2006, is stayed during the pendency of this second appeal. Since, the property involved in this matter is admeasuring 0.30 HR, it is not a fit case for directing the appellant to furnish solvent surety/security. However, in the facts and circumstances of the case, hearing of this second appeal is expedited. The appellant undertakes to file private paper book within a period of three months from today.

Civil Application is allowed on the aforesaid terms and disposed of.

JUDGE

JSA.